

REMARKS

Claims 1-8, 12 and 13 are rejected; claims 14 and 15 are objected to as being allowable if rewritten in independent form; and claims 9-11 are withdrawn from consideration as being directed to a non-elected invention.

Claim 1 has been amended to incorporate therein the recitation of claim 14. Claim 14 has been canceled. Claim 15 has been amended to depend from claim 1.

Withdrawn method claim 9 has been amended to include all of the limitations of device claim 1. If device claim 1 is found to be allowable, Applicants respectfully request rejoinder of withdrawn method claims 9-11 pursuant to MPEP § 821.04.

Further, entry of the amendments is respectfully requested as placing this application in condition for allowance.

Claims 1, 2, 4-8, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 2005/0121693 (Udagawa '693).

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Udagawa '693 in view of U.S. 2003/0160253 (Udagawa '253).

In response, claim 1 has been amended to incorporate therein the recitation of claim 14, to thereby obviate the foregoing rejections.

Applicants further comment as follows.

Substrate 101 (Fig. 5 of Udagawa '693) is a Si single crystal substrate (paragraphs [0052] to [0057]), and contrary to the Examiner's suggestion is not a light permeable substrate as required by present claim 1.

Regarding the rejection of claim 3 over Udagawa '693 in view of Udagawa '253, the device of Udagawa '253, similar to Udagawa '693, also employs an opaque single-crystal Si substrate as described in paragraph [0058].

Withdrawal of all rejections, rejoinder of method claims 9-11, and allowance of claims 1-13 and 15 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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